

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HERSHEL RODNEY NUZUM,)	
)	8:04cv167
Plaintiff,)	
)	MEMORANDUM AND ORDER
vs.)	
)	
SALLIE MAE SERVICING)	
CORPORATION, et al.,)	
)	
Defendants.)	

This matter is before the court on filing no. 20, a letter from the plaintiff which has been docketed as a Motion for Clarification. The plaintiff, Hershel Rodney Nuzum, filed this action against defendant-Sallie Mae, Inc., f/k/a Sallie Mae Servicing Corporation (“Sallie Mae”), and co-defendant-Texas Guaranteed Student Loan Corporation (“TGSLC”), claiming fraud, breach of contract and deprivation of due process in connection with an alleged “reconsolidation” of the plaintiff’s student loans.

In my Memorandum and Order of January 27, 2005 (filing no. 14), I concluded, in pertinent part, that the plaintiff’s claims arose out of, and were founded on, his misconceptions regarding the repayment terms of the original consolidation loan extended by Sallie Mae. The documents attached to and incorporated into the complaint demonstrated that no “reconsolidation” occurred. As the plaintiff failed in this case to present a triable issue on any claim against Sallie Mae or on any defense to liability on his student loan debt, I granted Sallie Mae’s Motion to Dismiss.

In filing no. 20, the plaintiff inquires whether he may now pursue a theory that Sallie Mae fabricated its accounting system. The plaintiff may not do so. His claims against

Sallie Mae have been dismissed, and Sallie Mae is no longer a party to this case.

Only one matter remains for resolution in this litigation. TGSLC has filed a Motion for Summary Judgment (filing no. 17) limited to the issue of the current outstanding balance of the plaintiff's student loan debt. The plaintiff has not offered any evidence in opposition to TGSLC's motion and evidence. Instead, in filing no. 20, the plaintiff states that he "has no complaints against Texas Guaranteed Student Loan Corporation." Accordingly, the Motion for Summary Judgment (filing no. 17) filed by TGSLC is granted.

THEREFORE, IT IS ORDERED:

1. That filing no. 17, the Motion for Summary Judgment filed by defendant-Texas Guaranteed Student Loan Corporation, is granted;
2. That filing no. 20, docketed as the plaintiff's Motion for Clarification, is granted in part and denied in part; clarification has been granted, but the plaintiff may not pursue any additional claims, theories or defenses with regard to defendant-Sallie Mae;
3. That, in light of this Memorandum and Order and filing no. 14, a separate judgment will be entered dismissing the plaintiff's complaint and this case with prejudice.

DATED this 4th day of May, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge